

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN DEBBY BARRETT**, on February 20, 2003  
at 8 A.M., in Room 455 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Debby Barrett, Chairman (R)  
Rep. Dee Brown, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Arlene Becker (D)  
Rep. Sue Dickenson (D)  
Rep. Carol Gibson (D)  
Rep. Daniel S. Hurwitz (R)  
Rep. Hal Jacobson (D)  
Rep. Larry Lehman (R)  
Rep. Ralph Lenhart (D)  
Rep. Alan Olson (R)  
Rep. Bernie Olson (R)  
Rep. Clarice Schrupf (R)  
Rep. Frank Smith (D)  
Rep. Pat Wagman (R)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Larry Jent, Vice Chairman (D)  
Rep. Jonathan Windy Boy (D)  
Rep. Don Roberts (R)

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Joan Reiman, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 586, HB 621, HB 611, 2/17/2003;  
HB 694, HB 689, 2/18/2003  
Executive Action: HB 689 & HB 563 DO PASS AS AMENDED,  
HB 694 TABLED, HB 621 ACTION DEFERRED

HEARING ON HB 586

Sponsor: REP. JOHN BRUEGGEMAN, HD 74, Polson

Opening Statement by Sponsor:

REP. BRUEGGEMAN said that the University System wants to form a leadership college to train new legislators, but they need this bill to allow legislators to be on the Board of Directors.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 2}*

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Leroy Schram, Counsel, Board of Regents, was there to answer questions.

Questions from Committee Members and Responses:

The crux of the discussion was that this Board cannot be paid for their work. There is no fiscal note. The leadership college is not yet formed. It would let experienced term-limited legislators share their experience. REP. SMITH said that University of Montana (U. M.) Western had donated money and they wanted to set this up.

*{Tape: 1; Side: A; Approx. Time Counter: 2.4 - 21.7}*

Closing by Sponsor:

REP. BRUEGGEMAN said this would be under strict scrutiny, there is no "bogey man" and it is specifically tailored for this one purpose.

HEARING ON HB 611

Sponsor: REP. TOM FACEY, HD 67, Missoula

Opening Statement by Sponsor:

REP. FACEY said they need a competitive retirement system for the University System. He distributed a fact sheet.

**EXHIBIT** (sth38a01)

*{Tape: 1; Side: A; Approx. Time Counter: 21.7 - 25}*

**Proponents' Testimony:**

**Tom Billodeaux, Researcher, Montana Education Association/Montana Federation of Teachers (MEA/MFT)**, explained the sponsor's handout. Half of the faculty are in Teachers' Retirement, and half are in TIAA-CREF. He believes the state general fund should fund it.

**Michael Mayer, U.M. History Teacher**, testified in favor of the bill.

**Glen Leavitt, Director of Benefits, University System**, said they had recruiting problems.

**Paul Haber, U.M. Faculty**, said it is an issue of equity and morale.

**Steven Lodmell, Assistant Professor of Biochemistry**, testified in favor of the bill..

**Jim Kembel, TIAA-CREF**, also testified in favor of the bill..  
{Tape: 1; Side: A; Approx. Time Counter: 25 - 41}

**Opponents' Testimony:** None

**Informational Testimony:**

**David Senn, Executive Director, TRS**, said this is basically "a funding swap."

**Questions from Committee Members and Responses:**

**REPS. B. OLSON, LEHMAN and WAGMAN** had questions which revealed that the bill does not free up money. It raises the contribution rate. It would use \$8.5 million of "new" money.  
{Tape: 1; Side: A; Approx. Time Counter: 41 - 47}

**Closing by Sponsor:**

**REP. FACEY** reminded the committee that the University also brings in economic development.

**HEARING ON HB 689**

**Sponsor:** REP. ALAN OLSON, HD 8

**Opening Statement by Sponsor:**

**REP. OLSON** said that this bill covers the definition of lobbying, addresses current practices, raises the cap on expenses, and excludes travel and living expenses. He provided amendments.

**EXHIBIT (sth38a02)**

**Proponents' Testimony:**

**Chris Gallus, Montana Society of Association Executives, (MSAE),** supported the bill.

**Steve Yeakel, Executive Secretary, MSAE,** supported the bill.

**Jim Mockler, Executive Director, Montana Coal Council,** supported the bill.

**John Flink, Montana Hospital Association (MHA),** supported the bill.

**Bob Stevens, Montana Grain Growers Association (MGGA) and Montana Farm Bureau (MFB),** supported the bill.

**Webb Brown, Montana Chamber of Commerce,** supported the bill.

**Christi Blazer, Montana Beer and Wine Wholesalers' Association,** supported the bill.

**Gail Abercrombie, Executive Director, Montana Petroleum Association,** supported the bill.

**Rose Hughes, Executive Director, Montana Health Care Association (MHCA),** supported the bill.

**Ann Hedges, Montana Environmental Information Center, MEIC,** supported the bill.

**Don Allen, Allen Associates,** supported the bill.

**Riley Johnson, Contract Lobbyist, Helena,** supported the bill.

**Stuart Doggett** supported the bill.

**Bob Vogel, Montana School Boards Association,** supported the bill.

**Brad Griffin, Montana Retail Association,** supported the bill.

**Travis Ahner, Montana Trial Lawyers Association (MTLA)**, supported the bill.

{Tape: 1; Side: A; Approx. Time Counter: 53.5 - 61}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 18.1}

Opponents' Testimony: None

Informational Testimony:

**Dulcy Hubbert, Program Manager, Commissioner of Political Practices**, was present to answer questions. A letter from Commissioner Linda Vaughey was distributed.

**EXHIBIT (sth38a03)**

Questions from Committee Members and Responses:

**Ms. Hubbert** said they just got the fiscal note request and are still working on it. **CHAIRMAN BARRETT** asked if her office are opponents, she said not, but that she is just there to provide information.

Closing by Sponsor:

**REP. OLSON** said he will deal with amendments in executive action.

HEARING ON HB 621

Sponsor: **REP. JOHN SINRUD, HD 31**

Opening Statement by Sponsor:

**REP. SINRUD** said this takes the Board of Chiropractic out of the budget, similar to what happened with the Medical Board. It will be administered through the Supreme Court, but would still have audit oversight.

Proponents' Testimony:

**Mary Lou Garrett, Chiropractic Legal Panel**, testified in favor.

Opponents' Testimony: None

Informational Testimony: None

**Questions from Committee Members and Responses:**

Committee's questions revealed that there is no fiscal note, they are not moving funds, fees are used to administer the Board, the legislature doesn't do anything with the Board, and that it does not give them money.

**Closing by Sponsor:**

REP. SINRUD repeated that the Board should be taken off the state budget process.

*{Tape: 1; Side: B; Approx. Time Counter: 21 - 36}*

**HEARING ON HB 694**

**Sponsor:** REP. JOHN SINRUD, HD 31

**Opening Statement by Sponsor:**

REP. SINRUD said this bill provides parental guidance in looking up information at the library as to what their child is reading. Eight other states have such parental disclosure laws.

**Proponents' Testimony:**

**Julie Milam, Montana Family Coalition Director,** said it would not disallow a child to check out any book. She submitted written testimony.

**EXHIBIT (sth38a04)**

**Lani Candelora, Montana Catholic Conference,** testified in favor.

*{Tape: 1; Side: B; Approx. Time Counter: 3.5 - 6.4}*

**Opponents' Testimony:**

**Karen Stregge, Montana State Library Director,** said their seven-member Board opposed this unnecessary bill, similar to a Senate bill which failed last session. The bill implies mistrust, and library information is more accurate than peer information, she said.

**Jim Smith, Montana Library Association,** said the bill goes too far; it should just be a resolution. He submitted written testimony.

**EXHIBIT (sth38a05)**

**Lisa Cordingley, Helena**, said as a parent, she believed that library information is better for kids than the internet.

**EXHIBIT (sth38a06)**

**Ann Gilkey, Parent**, said library information is better than what kids learn on the street. She would suggest an amendment to exclude legally emancipated youth.

**Beth Brennaman, ACLU Legal Director**, testified Montana's Constitution gives strong minors' rights unless harm is possible. This would be litigious. Some 17-year olds are already in college. There must be provision for the emancipated, and it should consider a noncustodial or absent parent. A similar case is being tested in New Jersey in an ACLU lawsuit.

**{Tape: 1; Side: B; Approx. Time Counter: 41.4 - 666}**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. YOUNKIN** asked Ms. Stregge if libraries blocked sites on the internet. **Ms. Stregge** replied that each has a different process, where parents can sign up for children to use areas which have filters. Local library boards establish procedures. **REP. YOUNKIN** asked if one had to have a library card to use the internet. **Ms. Stregge** said for most, they do not need a card. **REP. YOUNKIN** asked if libraries required cards for patrons to come and read. She said none that she is aware of. **REP. YOUNKIN** asked if most libraries allowed photocopying without a library card. The answer was that they do.

**REP. B. OLSON** asked Ms. Candelora if state law has a compelling interest in helping parent and child. **Ms. Candelora** believed that to be true. He asked **Ms. Millam**. She said if parents have to pay a fine, they need to know when their child checked a book out. He asked her where the state would draw the line. She said the ste is interfering if it prevents parents knowing. **REP. SMITH** asked the sponsor about the fiscal note, if libraries would need more staff to comply. **REP. SINRUD** said they would not, they already have the records, so it would not cost more. **REP. SMITH** asked if colleges would be affected; sponsor did not believe so.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 12}**

**Closing by Sponsor:**

**REP. SINRUD** said the bill aims at troubled youth in libraries who do not have communication with their parents.

**{Tape: 2; Side: A; Approx. Time Counter: 12 - 20}**

EXECUTIVE ACTION ON HB 689

Motion: REP. A. OLSON moved HB 689 DO PASS.

Motion: REP. A. OLSON moved AMENDMENTS for HB 689 (068901.agp).

Discussion:

REP. A. OLSON read and explained the amendment. REPS. BROWN and BECKER addressed concerns with the \$2,150. Currently it is at \$1,000 including travel and living expense. Ms. Heffelfinger said there needed to be coordinating language, but there would be conflict with SB 7. REP. OLSON said he would follow that through.

Vote: On a voice vote, motion carried 19-0. REPS. JENT, WINDY BOY and ROBERTS voted by proxy.

Motion: REP. A . OLSON moved HB 689 DO PASS AS AMENDED.

Discussion:

REP. OLSON said the bill still meets the intent of the original lobbying law, but adjusted for expense costs going up. If they spend \$2,150 they are a lobbyist. If a principal employs multiple persons, when they spend a total of \$2,150, they are a lobbyist and must report. He deferred to Ms. Heffelfinger, who said it was not limited to one individual. There was an amendment that took care of the potential conflict, so they can't each receive \$2,150.

Vote: On a voice vote, motion carried 19-0. Proxy votes were received from REPS. JENT, ROBERTS, and WINDY BOY.

Motion/Vote: REP. A. OLSON moved HB 689 AS AMENDED TO THE CONSENT CALENDAR. On a voice vote, motion carried 19-0.  
{Tape: 2; Side: A; Approx. Time Counter: 20 - 40}

EXECUTIVE ACTION ON HB 563

Motion: REP. BERNIE OLSON moved HB 563 DO PASS.

Motion: REP. BROWN moved HB 563 AMENDMENT (56301.ash).

**Discussion:** REP. ALAN OLSON asked Ms. Heffelfinger about sponsor LASZLOFFY'S amendment; it adds "organization" and conflicted with his.

REP. BROWN withdrew her motion.

**Motion:** REP. ALAN OLSON moved AMENDMENT 056301.apm.  
**EXHIBIT** (sth38a07)

**Discussion:**

REP. A. OLSON said this amendment leaves out third parties with the exception of the immediate family or guardian. REP. BECKER did not like that amendment any better. REP. A. OLSON said it met REP. LASZLOFFY's intent better. REP. DICKENSON said it may put a burden on election clerks to verify. He replied that it meshed with HB 190.

REP. YOUNKIN clarified a question of REP. HURWITZ by saying third parties may not collect ballots under HB 190. Anyone can take an official absentee ballot with the inner envelope signed and sealed in the outer envelope to an election administrator. The Clerks and Records had a problem with requests for absentees collected by various organizations. Anyone can send in a postcard requesting the absentee ballot. CHAIRMAN BARRETT said she supported the amendment.

**Vote:** On a voice vote, motion carried 12-7. Voting no were REPS. BECKER, SMITH, DICKENSON, GIBSON, JENT, WINDY BOY AND JACOBSON. Proxies were received from REPS. ROBERTS, JENT, and WINDY BOY.

**Motion:** REP. A. OLSON moved that HB 563 DO PASS AS AMENDED.

**Discussion:** REPS. GIBSON and A. OLSON discussed that this does not prevent taking absentee applications to nursing homes, or door to door, but the voter must then mail them in.

**Vote:** On a voice vote, motion carried 13-6. Voting no were REPS. BECKER, GIBSON, DICKENSON, JACOBSON, JENT and WINDY BOY. Proxies were received from REPS. JENT, WINDY BOY and ROBERTS.  
{Tape: 2; Side: A; Approx. Time Counter: 40 - 60}

EXECUTIVE ACTION ON HB 621

Motion/Vote: REP. ALAN OLSON moved HB 621 DO PASS. On a voice vote, motion carried 19-0. Proxies were received from REPS. ROBERTS, JENT and WINDY BOY.

Motion/Vote: REP. ALAN OLSON moved HB 621 TO THE CONSENT CALENDAR. On a voice vote, motion carried 19-0. Proxies were received from REPS. ROBERTS, JENT and WINDY BOY.  
{Tape: 2; Side: B; Approx. Time Counter: 0 - 10}

Note: HB 621 was not signed out of committee today. It was amended and passed out of committee on 2/21/03.

EXECUTIVE ACTION ON HB 694

Motion: REP. B. OLSON moved HB 694 DO PASS.

Discussion:

REP. B. OLSON opposed the bill. He said that "compelling interest" is a legal term. REPS. BALLANTYNE and LEHMAN agreed.

REP. BROWN said the parents have already lost control if they have to look to their kids' reading material. REP. HURWITZ also opposed it.

REP. A. OLSON asked if they can get school records, why not library-use records. REPS. WAGMAN and SCHRUMPF supported the bill.

Vote: On a roll call vote, motion failed 3-16. Voting yes were REPS. A. OLSON, SCHRUMPF and WAGMAN. REPS. ROBERTS, WINDY BOY and JENT voted by proxy.

Motion: REP. YOUNKIN moved to REVERSE THE VOTE and TABLE HB 694. HB 694 was TABLED with a vote of 16-3. Voting no were REPS. A. OLSON, SCHRUMPF and WAGMAN.  
{Tape: 2; Side: B; Approx. Time Counter: 10 - 20}

**ADJOURNMENT**

Adjournment: 11:40 A.M.

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REP. DEBBY BARRETT, Chairman

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JOAN REIMAN, Secretary

DB/JR

**EXHIBIT (sth38aad)**